

TOWN OF TRURO  
BOARD OF SELECTMEN  
MEETING OF WEDNESDAY, JANUARY 12, 2005

The Truro Board of Selectmen met for their weekly session on Wednesday, January 12, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Christopher R. Lucy, Clerk Gary Palmer, Lloyd F. Rose, Town Administrator Pamela Nolan, Assistant Town Administrator John J. Sanguinet, Administrative Secretary Julie DuPree, Martha Nagy, Norm Edinberg, Betty Groom, Steve Roderick, Steve Royka, William Phillips, John Magin, Town Counsel Jamie Veara, Kaimi Lum of the Banner, and David Joy of the Cape Codder. Paul J. Asher-Best was absent.

Mr. Gaechter convened the meeting at 6:00 p.m.

**Minutes:** Mr. Palmer moved to approve the minutes of January 5, 2005 as presented. Mr. Rose seconded it. **Vote: 4-0, unanimous.** Mr. Palmer moved to approve the minutes of the Executive Session of January 5, 2005 as presented and held in abeyance. Mr. Lucy seconded it. **Vote: 4-0, unanimous.**

**Public Comment:** No one was present.

**Chimes:** The Board was in receipt of a letter of complaint from Mr. Snell in which he stated he would file formal complaints with DEP if the town did not comply with the DEP noise regulations. Mr. Palmer noted that at the meeting when the BOS decided to run the chimes from 7:00 a.m. to 10: p.m., Mr. Snell had commented that that was an acceptable compromise. Mr. Gaechter said that this letter threatened to go to the State, and that his position was to let him do so. Mr. Palmer agreed that the BOS had made their position clear. Mr. Gaechter gave a rundown on all the BOS had done on this issue, and recommended that no action be taken at this time. The other members concurred.

**Contracts:**

- **Lease of Cobb Library:** Ms. Nolan reported that Town Counsel said the Board could wait until April to negotiate the terms for an agreement with the Historical Society, but they should award it to the Historical Society tonight. **Mr. Rose moved to award the lease of the Cobb Library building to the Historical Society contingent upon a successful negotiation after the Historical Society holds their April board meeting. Mr. Palmer seconded it. Vote: 4-0, unanimous.**

- **NPS Cooperative Agreement:** Ms. Nolan informed the BOS that she had received a renewal packet for a long-standing agreement with the NPS for fire protection and emergency medical services. It contained a form to be filled out requesting \$7k in funds. Chief Prada assured her that this sum covers our costs, but Mr. Gaechter has questioned whether it would be enough if the Town enters into an agreement with HCI, since this is a five-year contract. Chief Prada told her that it was doubtful the NPS would agree to a larger amount, but it wouldn't hurt to ask. **Mr. Gaechter moved to defer**

**taking action on this agreement until a meeting with the NPS was held. Mr. Palmer seconded it. Vote: 4-0, unanimous.**

**Town Administrator's Report:**

- Reported that she received word from the Harbor Master that Truro is in line to receive a \$100k grant from the State for work at the harbor. This money is being held up, and she urged the BOS to inquire of our Senator and Representative where this issue stands. The Board directed Ms. Nolan to draft a letter for their signature to both Senator O'Leary and Representative Gomes.
- Reported that she has set a meeting with the Provincetown Manager and Mr. Meads of the LCAA to discuss the draft contract on January 18th. She will contact Mr. Garran and Town Counsel for direction and input after this meeting. She estimates the negotiations will take several months since the draft contract is considerably larger than previous contracts have been.
- Reported that she has been meeting with Department Heads on the FY06 budget requests.
- Held her second Dept. Head meeting this morning.
- Received a call from Senator O'Leary's office asking if they could help in any way with the Pamet Harbor dredging situation. She credited Mr. Sanguinet's discussion with the Lt. Governor with having set off a series of actions. The dredge was held up in Wellfleet, but should arrive next week.
- Provided the BOS with materials from the recent MMA, particularly about GASB Statement 43 and 45 and computer programs that are available.

Mr. Palmer commented that as the BOS review the budget, he would like to see the recommendations that were received.

**Selectmen/Liaison Reports:**

**Lucy:** -Attended the BOFE meeting Monday, and will be attending the PHC and RecCom meetings tomorrow. He informed the Board that Ducky Noons is in the hospital and is not doing well.

**Gaechter:** -Reported that he will request input from the ConsCom Chairman on the recent letter from the NPS regarding the NOI process and how they do not want to apply to the ConsCom in the future.

-Congratulated Mr. Sanguinet on his successful completion of purchasing courses and his designation as a MCPPO.

-The Town Administrator and he will be getting a full briefing from the Cemetery Commission.

-Reported that the Open Space Committee is a very active committee, but he doesn't report on them often because of the confidential nature of their land negotiations.

-He has drafted a letter to various multi-member bodies regarding the

development of a Town Land Management Plan. **Mr. Palmer moved to approve the letter. Mr. Gaechter seconded it. Vote: 4-0, unanimous.** Mr. Palmer said the NPS may be interested in a land swap in order to gain a second access to Pilgrim Lake.

**Palmer:** -Reported on the Housing Authority meeting he attended, and the COA meeting.

**Community Center Project:** Ms. Nagy reported that the expanded TBC-Community Center met on Monday to review the plans and see if further value engineering could reduce costs. They concluded that there were no cuts that would not damage the quality of the building, and it would be better to work out reductions after the bid was awarded to a contractor. They are looking at things the town could do, such as paving and landscaping. Mr. Sanguinet reported that he has spoken to Sarah Turano-Flores and she was concerned that if the town goes out to bid without any substantial changes, the door is open to a bid protest. She has seen this happen in other towns. In a call to the Attorney General, he concurred with her opinion, but went on to say that any time you re-bid, there is always the possibility of a protest.

Mr. Gaechter asked Mr. Sanguinet for his opinion about a re-bid, and he replied that he would be concerned about a bid protest; the Attorney General told him that unless there is a change to the design of the floor plan, you leave the door open for a protest, and it can be a lengthy process of a year, and comes down to what a judge decides. He added that if the town lost a protest, we would either have to award the bid or change the building, but the judge would be the one to tell us what we had to do.

Ms. Nagy pointed out that a re-design would also cost money. At this point she personally felt the town should take the risk of a protest. Mr. Sanguinet said that he felt the town was following the process. They had asked the town for more money and town meeting said no, and the low bid was well over our estimated cost. These things would be in our favor if there were a protest.

**Mr. Gaechter moved to authorize the Town Administrator to proceed with a new bid process for the Community Center, taking out the costs of landscaping and paving the upper parking lot and the permit fees, and subject to the concurrence of the Architect and Mr. Reich that legal vulnerability in the form of a bid protest is not an issue. Mr. Palmer seconded it.** Under discussion, Mr. Lucy was concerned that the Board was not taking the advice they had paid for from Mr. Reich. Mr. Gaechter pointed out that Mr. Reich took part in the conclusion that there would not be enough gained by these cuts. Mr. Edinberg read a statement regarding the need, in his opinion, of a redesign of the building. **Vote: 4-0, unanimous.**

**Next week's agenda:** At this point there is only the request for deficit snow removal funding.

**At 6:58 p.m., Mr. Gaechter moved to enter into Executive Session under the provisions of MGL Chapter 39, Section 23B, to discuss strategy with respect to collective bargaining and litigation and to NOT reconvene in Open Session. Roll Call Vote: Palmer, aye; Gaechter, aye; Lucy, aye; Rose, aye. 4-0, unanimous.**

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Alfred Gaechter, Chairman

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Christopher R. Lucy, Vice-Chairman

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Gary Palmer, Clerk

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Lloyd F. Rose

Board of Selectmen  
Town of Truro  
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